

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ABBOTT LABORATORIES, et al.	)	
	)	
v.	)	C.A. No. 02-1512 (KAJ)
	)	
TEVA PHARMACEUTICALS, et al.	)	
ABBOTT LABORATORIES, et al.	)	
	)	
v.	)	C.A. No. 03-120 (KAJ)
	)	
IMPAX LABORATORIES, INC.	)	
	)	
IN RE TRICOR DIRECT PURCHASER	)	C.A. No. 05-340 (KAJ)
ANTITRUST LITIGATION	)	
	)	
	)	(consolidated)
THIS DOCUMENT RELATES TO:	)	
	)	
ALL ACTIONS	)	
	)	
	)	
IN RE TRICOR INDIRECT PURCHASER	)	C.A. No. 05-360 (KAJ)
ANTITRUST LITIGATION	)	
	)	
	)	(consolidated)
THIS DOCUMENT RELATES TO:	)	
	)	
ALL ACTIONS	)	
	)	

**JOINT STATUS REPORT**

Pursuant to this Court’s Scheduling Orders dated October 27, 2005 (the “Scheduling Orders”), Coordinated Direct Purchaser Plaintiffs, Indirect Purchaser Class Plaintiffs, and indirect purchaser plaintiff Pacificare Health Systems, Inc. (“Pacificare”), (collectively “Plaintiffs”), and Defendants and Counterclaim Plaintiffs Teva Pharmaceuticals, Ltd. and Teva USA, Inc. (“Teva”) and Impax Laboratories, Inc. (“Impax”) and defendants Abbott Laboratories

(“Abbott”), Fournier Industrie et Sante, and Laboratories Fournier (“Fournier”) (collectively, “Defendants”) by and through their counsel, hereby submit this Joint Status Report.

**A. Discovery**

At this time, all parties have actively begun discovery. On October 18, 2005 Plaintiffs submitted a proposed protective order to Defendants for their consideration. Following a thorough meet and confer process, the parties expect to submit proposed protective orders for the Court’s consideration shortly. All parties have served requests for production of documents and/or interrogatories, pursuant to Fed. R. Civ. Pro. 34, as detailed below:

1. Coordinated Direct Purchaser Plaintiffs served their first set of document requests on Defendants on September 19, 2005. Indirect Purchaser Class Plaintiffs served document requests on October 26, 2005. Indirect Purchaser Plaintiff PacifiCare served document requests on Defendants on November 9, 2005. Defendants served responses to the Coordinated Direct Purchaser Plaintiffs’ requests on November 4, 2005. Defendants served responses to Indirect Purchaser Class Plaintiffs’ document requests on November 28, 2005. Defendants served responses to PacifiCare’s document requests on December 9, 2005. Teva served requests for production on Abbott and Fournier on September 9 and September 30, 2005. Abbott and Fournier provided written responses to those requests on November 4, 2005. Impax served requests for production on Abbott and Fournier on October 12, 2005. Abbott and Fournier provided written responses to those requests on November 4, 2005.

2. Defendants have produced and continue to produce documents that they have produced to the FTC in connection with the FTC investigation identified as Abbott Laboratories, File 005-0124, pursuant to Paragraph 6(b) of the Scheduling Order, many of which also are responsive to certain of the parties’ document requests. Teva and Impax have also produced documents that they have produced to the FTC. Teva also has produced additional documents

responsive to the document requests served by Abbott and Fournier and by the Direct Purchaser Plaintiffs and plans to produce additional responsive documents.

3. Defendants served requests for production of documents on the Coordinated Direct Purchaser Plaintiffs and Coordinated Indirect Purchaser Class Plaintiffs on September 30, 2005. Direct Purchaser Plaintiffs Louisiana Wholesale Drug Company, Meijer, Inc., and Rochester Drug Co-Operative served responses and objections to Defendant's document requests on October 31, 2005 and have produced documents pursuant to Defendants' Requests. Direct Purchaser Plaintiffs CVS Pharmacy, Rite Aid, and the Walgreen's Plaintiffs served responses and objections to Defendants' document requests on November 1, 2005 and will be producing documents shortly. Indirect Purchaser Class Plaintiffs served their responses and objections to Defendants' document requests on November 1, 2005, and produced responsive documents on or around December 5, 2005. Indirect Purchaser Plaintiff Pacificare served its responses and objections to Defendants' document requests on October 31, 2005, and plan on producing documents by the end of February.

4. Abbott and Fournier served requests for production on Teva and Impax on or about September 30, 2005. Impax provided written responses on November 2, 2005, and Teva provided written responses on November 4, 2005. Abbott and Fournier served a supplemental set of requests for production on Teva on January 31, 2006. As of the date of this report, Teva's time to respond to this request has not yet run.

5. All parties have until February 15, 2006 to complete production of documents responsive to document requests served on or before October 1, 2005. Plaintiffs and Defendants have agreed, subject to court approval, and based on representations made between them, to extend the time to complete the production of documents until March 15, 2006. In addition, the Indirect Purchaser Class Plaintiffs and the Direct Purchaser Class Plaintiffs have agreed, subject to court approval, to amend the schedule for the filing of class certification papers as follows:

	Per Scheduling Orders	Per Proposed Stipulation
Opening Class Papers	March 15, 2006	April 26, 2006
Responding Papers	May 12, 2006	June 23, 2006
Reply Papers	June 15, 2006	July 27, 2006

6. All Purchaser Plaintiffs joined in serving document requests on Counterclaim Plaintiff Teva on January 19, 2006. As of the date of this report, Teva's time to respond to this request has not yet run. All Purchaser Plaintiffs joined in serving document requests on Counterclaim Plaintiff Impax on January 26, 2006. As of the date of this report, Impax's time to respond to this request has not yet run.

7. Coordinated Direct Purchaser Plaintiffs served interrogatories to Defendants on December 7, 2005. By agreement of the parties, Defendant Fournier served their response on January 26, 2006 and Defendant Abbott served their response on January 27, 2006.

8. Per the Scheduling Orders, depositions may currently be noticed. Coordinated Direct and Indirect Purchaser Plaintiffs have noticed a FRCP 30(b)(6) Deposition on Defendant Abbott. The parties will negotiate the scope and timing of the deposition.

#### **B. Pending Discovery Dispute**

Coordinated Direct Purchaser Plaintiffs have requested a hearing from the Court to address disputes regarding the scope of Defendants' production and their objections thereto. A teleconference with Judge Jordan regarding the discovery disputes raised by the Coordinated Direct Purchaser Plaintiffs has been scheduled for March 3, 2006 at 11:30 a.m. Eastern Standard Time. Defendants Abbott and Fournier will request a hearing at the same time to address a dispute regarding the scope of the Coordinated Direct Purchaser Plaintiffs' productions and their objections thereto. Letters regarding these disputes will be submitted pursuant to the local rules and the October 27, 2005 Scheduling Orders.

**C. Motion Practice**

Pursuant to the Scheduling Orders, as amended by this Court on October 19, 2005, Defendants filed motions to dismiss on October 19, 2005. Plaintiffs filed their responses to Defendants' motions on December 2, 2005. Defendants' reply was filed on December 23, 2005. Teva and Coordinated Direct Purchaser Plaintiffs each filed a separate supplemental letter on January 4, 2006, Impax filed a supplemental letter on January 5, 2006, and Defendants filed a supplemental letter on January 17, 2006. Oral argument on the motion is scheduled for March 15, 2006. There are no other motions currently pending before this Court.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day February, 2005, I electronically filed **JOINT STATUS REPORT** with the Clerk of the Court using CM/ECF which will send notification of such filing to all counsel of record.

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